

HOWARD ELLIS,)	
)	
Petitioner,)	3:12-cv-00099-RCJ-VPC
)	
vs.)	ORDER
)	
JACK PALMER, <i>et al.</i> ,)	
)	
Respondents.)	
	/	

(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment.

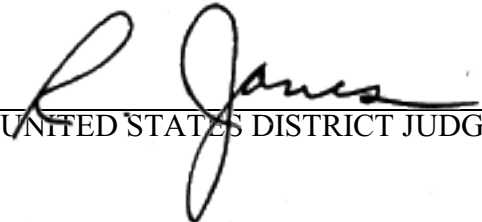
1 Motions to reconsider are generally left to the discretion of the trial court. *See Combs v. Nick*
2 *Garin Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). In order to succeed on a motion to reconsider,
3 a party must set forth facts or law of a strongly convincing nature to induce the court to reverse its
4 prior decision. *See Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal.
5 1986), *aff'd in part and rev'd in part on other grounds* 828 F.2d 514 (9th Cir. 1987).

6 In the instant case, this Court properly entered judgment dismissing this action in the order
7 filed March 7, 2013. (ECF No. 58). In his motion for relief from judgment, petitioner has not
8 identified any mistake, intervening change in controlling law, or other factor that would require
9 vacating the judgment. Petitioner has not shown that manifest injustice resulted from dismissal of
10 the action. Petitioner also has not presented with relevant newly discovered or previously
11 unavailable evidence. Petitioner has failed to make an adequate showing under Rule 60(b) to justify
12 granting his motion for relief from judgment.

13 **IT IS THEREFORE ORDERED** that respondents' motion to file an amended opposition to
14 the motion for relief from judgment (ECF No. 65) is **GRANTED**.

15 **IT IS FURTHER ORDERED** that petitioner's motion for relief from judgment (ECF No.
16 60), is **DENIED**.

17 Dated this 6th day of September, 2013.

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20 UNITED STATES DISTRICT JUDGE
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